

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

GERMANTOWN PARKWAY, LLC, et al.,

Plaintiffs,

v.

No. 2:11-cv-02439-JDB-tmp

CITY OF MEMPHIS, TENNESSEE, et al.,

Defendants.

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ORDER DENYING DEFENDANT’S MOTION TO QUASH DEPOSITIONS

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On December 6, 2011, Defendant, City of Memphis, Tennessee, moved pursuant to Federal Rule of Civil Procedure 26(c) for an order quashing the depositions of three individuals presently scheduled for December 8, 2011. However, as the motion is procedurally defective, it is DENIED WITHOUT PREJUDICE. The Local Rules of the United States District Court for the Western District of Tennessee (the “Local Rules”) require that motions be accompanied by a certificate of consultation “affirming that, after consultation between the parties to the controversy, they are unable to reach an accord as to all issues or that all other parties are in agreement with the action requested by the motion.” LR 7.2(a)(1)(B), Local Rules. The certificate of consultation

must contain the names of participating counsel and the date and manner of consultation. The burden will be on counsel filing the motion to initiate the conference upon giving reasonable notice of the time, place and specific nature of the conference. If an opposing counsel or party refuses to cooperate in the conduct of a conference, counsel must file a certificate to that effect, setting out counsel’s efforts to comply with this rule.

Id. In this case, there is no indication that the City's attorney conferred with counsel for the Plaintiffs on the issues raised in the motion. "Failure to attach an accompanying certificate of consultation may be deemed good grounds for denying the motion." Id.

IT IS SO ORDERED this 6th day of December, 2011.

s/ J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE